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Paper No. 8

Lloyd G. Farr  
NELSON MULLINS RILEY & SCARBOROUGH, LLP  
P.O. Box 11070  
Columbia, SC 29211

In re Application of:  
Victor Guirgiutiu  
Serial No.: 10/072,644  
Filed: February 08, 2002  
Attorney Docket No.: 16139/09021

DECISION ON PETITION  
TO WITHDRAW HOLDING  
OF ABANDONMENT

This is a decision on the petition filed February 26, 2004, under 37 CFR § 1.181, to withdraw the holding of abandonment in the above-identified application. No petition fee is required.

The request is **GRANTED**.

The application was held abandoned for the failure to timely file a response to the Office action mailed on March 05, 2003. A Notice of Abandonment was mailed on September 09, 2003.


Petitioner asserts that on September 04, 2003, a response including a 12 page amendment, 10 pages formal drawings, a Fee Transmittal for FY 2003 and a check for the requisite fee, was timely filed in the above-identified application. To support this assertion, petitioner has submitted a copy of the response bearing a certificate under 37 CFR § 1.8(a), signed and dated September 04, 2003, and a copy of a return postcard, which acknowledges receipt in the USPTO of the response on September 08, 2003.

A review of the application file reveals the above noted response was not matched with the application file wrapper at the time of mailing of the Notice of Abandonment. The above-identified response filed September 04, 2003, has since been located and matched with the file wrapper.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner of record for consideration of the response and prompt appropriate action.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.



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Howard N. Goldberg, Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components

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